

REMARKS

The Office Action dated May 12, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1, 3, 4 and 6 have been amended. Support for the amendment to claim 1 can be found on page 19 lines 10-16 of the specification. No new matter has been added. Claims 1-8 and 26-37 are pending in this application. Claims 26-37 are allowed and claims 1-8 are respectfully submitted for consideration.

The Applicants wish to thank the Examiner for allowing claims 26-37.

Claim 4 was objected to for a minor informality. Claims 3 and 4 were indicated as "Original" in the response filed February 19, 2004, when they had been amended by a Preliminary Amendment dated November 26, 2001. The Applicants have amended claims 3, 4, and 6, above, to conform to the claims as presented in the Preliminary Amendment, and have provided the permissible status identifier "Currently Amended" in accordance with the revised amendment practice under 37 C.F.R. § 1.121. The Applicants submit that all claims are in compliance with U.S. patent practice.

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulz (U.S. Patent No. 5,198,877) in view of Chan et al. (U.S. Patent No. 5,376,796, "Chan"). Schulz was cited for disclosing many of the claimed elements of the invention with the exception of a guide rail system. Chan was cited for curing this deficiency. Claims 2-8 depend from claim 1. The Applicants respectfully submit that claims 1-8 recite subject matter that is neither disclosed nor suggested by the cited references.

Claim 1, as amended, recites second position detection means for detecting the position in a world coordinate system of the measuring head on the guide rail, the second position detection means being constructed so as to be attachable to and detachable from the main body of the shape measuring device. In contrast, neither Schulz nor Chan discloses a second position detection means, which is constructed so as to be attachable to and detachable from the main body of the shape measuring device, as recited in amended claim 1. As such, the combination of Schulz and Chan fails to disclose or suggest each and every feature of the invention as recited in claim 1.

In view of the above, the Applicants respectfully submit that the Schulz and Chan do not support a *prima facie* case of obviousness for purposes of a rejection of claims 1-8 under 35 U.S.C. §103.

Claims 2-8 depend from claim 1. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claim 1. Accordingly, the Applicants respectfully requests allowance of claims 1-8 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107314-00029.**

Respectfully submitted,

A handwritten signature in cursive script, reading "Rhonda L. Barton", written in black ink.

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RLB/tdd
Enclosures: Notice of Appeal to the BPAI and
Petition for Extension of Time

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